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MAIL SECTION

Federal Communications Commission  
Washington, D.C. 20554

May 3 3 04 PM '00

May 2, 2000

Robert B. Jacobi  
Cohn and Marks  
1920 N Street, NW, Suite 300  
Washington, D. C. 20036-1622

Dear Mr. Jacobi:

This is in response to your letter on behalf of New World Broadcasters Corp. ("New World"), licensee of Station KTCY, Pilot Point, Texas, requesting that the Commission change the reference coordinates for a vacant allotment at Meridian, Texas, to provide Station KTCY full Section 73.207 spacing clearances.

Channel 285A was allotted to Meridian, Texas, in MM Docket No. 97-174 at coordinates 31-59-07 and 97-41-22 and has not yet been made available for application. See 14 FCC Rcd 6449 (1999). In that same docket, footnote number three acknowledges the one-step application (File No. BPH-980130IC) for Pilot Point filed by New World, explaining that the applicant's site was not entitled to cut-off protection because the application was filed after the rulemaking petition and the counterproposal deadline and was, therefore, considered a site preference. Station KTCY has since been granted a license on Channel 285C1 at 535 HAAT and 15.7 kilowatts.

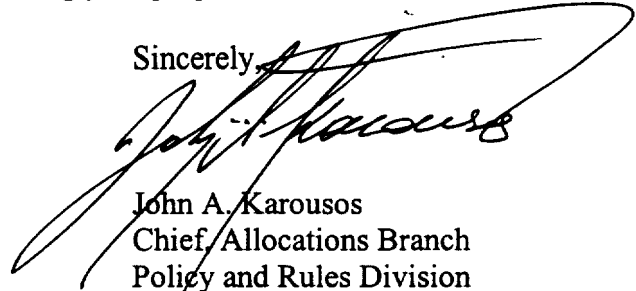
In support of your request, you state that altering the site for Channel 285A, Meridian, will allow Station KTCY to regain area and population contemplated in its one-step application as originally proposed, serving more than 132,000 people, including more than 15,000 Hispanics. You indicate that grant of a construction permit for Station KBAE, Channel 285C2, Marble Falls, Texas, now permits the redesignation of the Meridian site. You argue that grant of your request will result in population gains for Station KTCY and the Spanish speaking community without adversely affecting the Meridian allocation.

Although you state that granting New World's request will increase Station KTCH's listening population, we decline to entertain your request to modify the allotment site for Channel 285A, Meridian. It has been our general policy not to change reference coordinates for vacant allotments in the course of a rule making proceeding in the absence of other changes in the Table of Allotments or to entertain rule making petitions solely to change reference coordinates. See, e.g., Chatom, AL, DA95-1548, released July 18, 1995; Grenada, MS, 7 FCC Rcd 4838 (1992).

This policy ensures protection for the integrity of the FM Table of Allotments, which could be compromised were we to change reference coordinates to accommodate FM applications.

Based on the above discussion, we are returning your proposal for Meridian, Texas.

Sincerely,



John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

Enclosure

DUPLICATE

LAW OFFICES

COHN AND MARKS

SUITE 300

1920 N STREET N.W.

WASHINGTON, D.C. 20036-1622

TELEPHONE (202) 293-3860

FACSIMILE (202) 293-4827

HOMEPAGE WWW.COHNMARKS.COM

JOEL H. LEVY  
ROBERT B. JACOBI  
ROY R. RUSSO  
RONALD A. SIEGEL  
LAWRENCE N. COHN  
RICHARD A. HELMICK  
WAYNE COY, JR.  
J. BRIAN DE BOICE  
JEROLD L. JACOBS

SUSAN V. SACHS  
KEVIN M. GOLDBERG  
JOSEPH M. DI SCIPIO

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20541

OF COUNSEL  
MARCUS COHN  
LEONARD H. MARKS  
RICHARD M. SCHMIDT, JR.

(202) 452-4810

DIRECT DIAL:

INTERNET ADDRESS: RBJ@cohnmarks.com

March 31, 2000

Mr. John A. Karousos  
Mass Media Bureau  
Federal Communications Commission  
The Portals II  
445 - 12<sup>th</sup> Street, S.W.  
Room 3-A266  
Washington, D.C. 20554

Dear Mr. Karousos

On behalf of New World Broadcasters Corp. (New World), licensee of FM station KTCY, Pilot Point, Texas, it is respectfully requested that the Commission change the allocation site for Channel 285A at Meridian, Texas in order to provide station KTCY full Section 73.207 spacing clearances. Technical Comments are herewith appended in support of this request.<sup>1/</sup> The events underlying this request are set forth in the section entitled "Background" of the attached Technical Comments. Suffice to say that at the time the KTCY one-step upgrade application was filed, New World believed, based on data contained in the Commission NTIA database, that the application fully met the Commission's mileage separation requirements. The existence of a counterproposal in an outstanding rulemaking proceeding (which resulted in the allotment of Channel 285A to Meridian, Texas) was not a matter of record at the time that the KTCY application was filed.

The Commission allocation of Channel 285A to Meridian was made simultaneous with the allocation of Channel 285C2 to Marble Falls, Texas. In the interim time period, however, the Commission has granted a construction permit to station KBAE, Channel 285C2, Marble Falls -- which proposed a site further removed from Meridian than the original Marble Falls allocation site. The grant of this construction permit to station

<sup>1/</sup> The instant request is being filed in letter form pursuant to undersigned counsel's informal conference with the Commission staff.

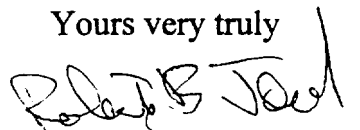
Mr. John A. Karousos  
March 31, 2000  
Page 2

KBAE (and the resulting change in the Marble Falls coordinates), now permits the redesignation of the Meridian site as proposed herein.

There are significant public interest reasons which would flow from the grant of the instant request. Station KTCY will be able to regain the area and population contemplated in the one-step modification application as originally proposed – more than 132,000 persons, including more than 15,000 Hispanics. Station KTCY provides a Spanish language format comprising public affairs programming, public service announcements and a unique country music format (as opposed to urban or pop). The programming format can best be characterized as local-oriented, emphasizing tradition, family and heritage values.

As is set forth in the “Background” section of the Technical Statement, the area and population gains (which would result from a grant of this request and a grant of a minor KTCY modification application) constitute area and population unexpectedly lost to station KTCY as a result of the Meridian, Texas counterproposal allocation. The instant request demonstrates that the Meridian allocation site can be changed so as to provide station KTCY with its full Section 73.207 spacing clearances. Moreover, the proposed Meridian allocation site is substantially identical to the existing allocation site in terms of the distance to Meridian. In short, the grant of the request herein would result in substantial population gains both overall and to the Spanish speaking community without adversely affecting the Meridian allocation. There is no “downside.”

Yours very truly

A handwritten signature in dark ink, appearing to read "Robert B. Jacobi", with a stylized flourish at the end.

Robert B. Jacobi

RBJ:btc

DUPLICATE  
**GRAHAM BROCK, INC.**

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BROADCAST TECHNICAL CONSULTANTS

**TECHNICAL COMMENTS**  
**NEW WORLD BROADCASTERS CORP.**  
**NEW FM ALLOTMENT**  
**MERIDIAN, TEXAS**  
**March 2000**

**TECHNICAL EXHIBIT**

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**TECHNICAL COMMENTS**  
**NEW WORLD BROADCASTERS CORP.**  
**NEW FM ALLOTMENT**  
**MERIDIAN, TEXAS**  
**March 2000**

**TECHNICAL STATEMENT**

This technical statement and exhibits were prepared on behalf of New World Broadcasters Corp. ("New World"), licensee of KTCY, Channel 285C1, Pilot Point, Texas. New World herein requests the allocation site for Channel 285A at Meridian, Texas, as allocated in MM Docket #97-124, be changed so as to provide KTCY full §73.207 spacing clearances.

**BACKGROUND**

In BPH-980130IC, New World sought to upgrade KTCY from its then Class C2 facility to a Class C1 facility with no change in site. When New World submitted its one-step application, it met the Commission's minimum distance separation requirements to all licensed, authorized or proposed facilities.<sup>1</sup> The application for KTCY's one-step upgrade remained pending for several months until the one-step applications for the other two stations were being processed by the staff. After these two facilities implemented their respective changes, KTCY discovered a counterproposal had been filed in MM Docket #97-~~124~~<sup>174</sup> for Channel 285A at Meridian, Texas, which specified a site that did not meet the minimum distance separation requirements to the proposed KTCY one-step application. In order to receive a grant for the pending KTCY application, it was necessary to reduce power from the equivalent maximum for a Class C1 to 16.0 kilowatts at 535 meters (an equivalent Class C1 facility is 20.0 kilowatts at

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1) Based on the data contained in the NTIA database on the date the application was submitted to the Commission for consideration.

535 meters) under §73.215 of the Commission's rules. While the counterproposal was not entered into the database until months after the KTCY application had been filed, the counterproposal had actually been submitted weeks before the KTCY filing. Due to other allocations, it was not possible to request an alternate allocation site at that time for Meridian, Texas, that would not conflict with the KTCY one-step application.

### **PROPOSAL**

In the intervening months since the grant of the KTCY application, it has become possible to request a change in the allocation coordinates for Meridian, Texas, to a site which meets the minimum distance separation requirements to KTCY.<sup>2</sup> As such, New World requests that the allocation coordinates for Channel 285A at Meridian, Texas, be changed to reflect North Latitude 31° 52' 44" and West Longitude 97° 43' 10". This represents a site restriction 7.7 kilometers southwest of the community.<sup>3</sup> Attached as Exhibit #1 is a usable area map denoting where a transmitter site can be located for Channel 285A at Meridian, Texas. Exhibit #2 is a §73.207 spacing study for Channel 285A demonstrating the channel meets the Commission's minimum distance separation requirements to all licensed and proposed facilities.

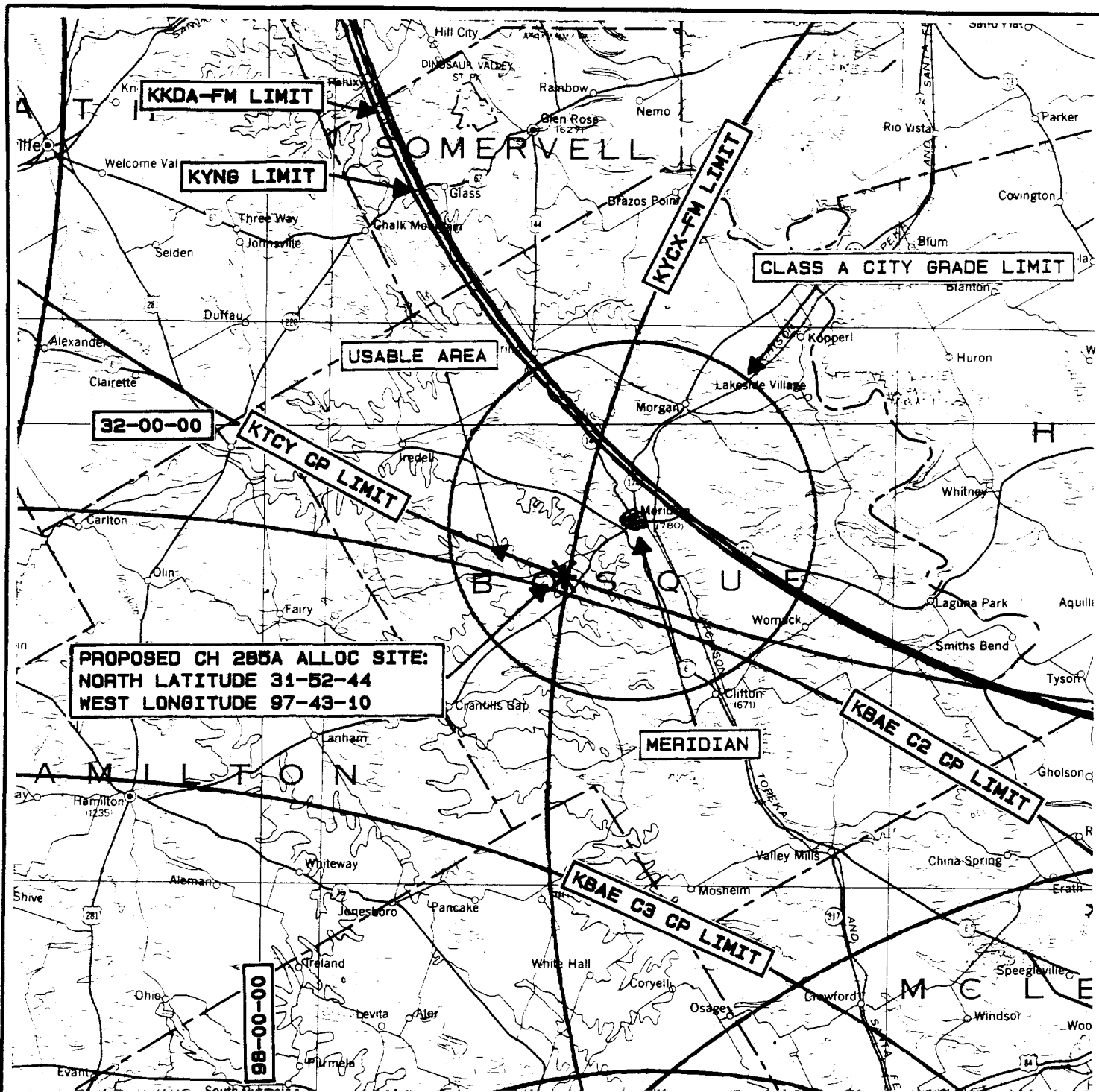
In light of the proposed change at Meridian, New World will be able to operate KTCY as a maximum equivalent Class C1 facility at Pilot Point. As such, KTCY will improve its service area to include 1,012,382 persons in 16,241.8 square kilometers. This represents an increase of

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- 2) This is based on the granting of a construction permit for station KBAE, Channel 285C2, Marble Falls, Texas. The allocation site for Channel 285C2 at Marble Falls was closer to Meridian than the actual authorized site.
  - 3) The coordinates used for Meridian, Texas, were North Latitude 31° 55 ' 22" and West Longitude 97° 39' 23". Based on those coordinates, the present allocation site is restricted 7.6 kilometers northwest of the community. The difference in the site restriction distances of 0.1 kilometer is considered de minimus.

132,226 persons in 1,072.9 square kilometers. Further, the improved KTCY will provide new service to 15,069 Hispanic persons (within the 132,226 person increase).

The foregoing was prepared on behalf of New World Broadcasters Corp., by Graham Brock, Inc., its technical consultants. All data contained herein is true and accurate to the best of our belief and knowledge. All data related to FM facilities was extracted from the NTIA database as updated on March 17, 2000. All population data was extracted from the PL 94-171 computer data files. We assume no liability for errors or omissions in the database which may be adverse to the requests contained herein.





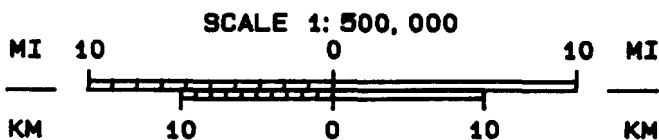
USABLE AREA - CH 285A

MAP IS A PORTION OF THE 1:500,000 SCALE  
U.S.G.S. BASE STATE MAP OF TEXAS

EXHIBIT #1

TECHNICAL COMMENTS  
NEW WORLD BROADCASTERS CORP  
NEW FM ALLOTMENT  
MERIDIAN, TEXAS

March 2000



**GRAHAM BROCK, INC.**  
BROADCAST TECHNICAL CONSULTANTS

**TECHNICAL COMMENTS**  
**NEW WORLD BROADCASTERS CORP.**  
**NEW FM ALLOTMENT**  
**MERIDIAN, TEXAS**  
**March 2000**

**EXHIBIT #2**

CHANGE ALLOCATION COORDINATES FOR MERIDIAN, TEXAS  
 USING PROPOSED NEW ALLOCATION SITE AS REFERENCE

REFERENCE		DISPLAY DATES
31 52 44 N	CLASS A	DATA 03-17-00
97 43 10 W	Current rules spacings	SEARCH 03-22-00
----- CHANNEL 285 -104.9 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AVAC	285A	Meridian	TX	13.5	12.13	115.0	-102.87
VAC N	31 59 07	97 41 22	0.000 kW	0M	7.5	71.5	
-----							
* KTCY	285C1	Pilot Point	TX	20.6	199.61	200.0	-0.39
LIC C	33 33 37	96 57 34	15.700 kW	535M	124.1	124.3	
	New World Broadcasters Corp.			BLH-19991109ACA			
* KYCXFM	285A	Mexia	TX	99.3	114.90	115.0	-0.10
LIC CN	31 42 25	96 31 23	2.100 kW	107M	71.4	71.5	
	Groveton Broadcasting Group			BLH-19830907AN			
KBAE.C	285C2	Marble Falls	TX	197.6	166.97	166.0	0.97
CP CN	30 26 34	98 14 48	9.500 kW	245M	103.8	103.2	
	Munbilla Broadcasting Corporation			BPH-19990805IA			
KKDAFM	283C	Dallas	TX	41.4	105.32	95.0	10.32
AUX CN	32 35 17	96 58 34	52.000 kW	378M	65.5	59.0	
	Service Broadcasting Corporation			BLH-19960315KA			
KYNG.A	287C	Dallas	TX	41.4	105.32	95.0	10.32
AUX CN	32 35 17	96 58 34	55.000 kW	326M	65.5	59.0	
	Infinity B/c Corp. Of Dallas			BLH-19970630KD			
KKDAFM	283C	Dallas	TX	41.6	105.85	95.0	10.85
LIC CY	32 35 22	96 58 10	100.000 kW	485M	65.8	59.0	
	Service Broadcasting Corporation			BLH-19821029AL			
KYNG	287C	Dallas	TX	42.0	105.89	95.0	10.89
LIC CN	32 35 05	96 57 46	100.000 kW	466M	65.8	59.0	
	Infinity B/c Corp. Of Dallas			BLH-19970909KG			
KBAE.C	285C3	Marble Falls	TX	197.6	166.97	142.0	24.97
CP CN	30 26 34	98 14 48	4.100 kW	245M	103.8	88.3	
	Munbilla Broadcasting Corporation			BPH-19971014IK			
KHTZ.C	286C3	Cameron	TX	149.8	130.80	89.0	41.80
CP CN	30 51 30	97 01 47	10.000 kW	100M	81.3	55.3	
	Cameron Broadcasting Co			BMPH-19981202IA			
KYUL	288C2	Harker Heights	TX	175.1	99.37	55.0	44.37
LIC CN	30 59 09	97 37 51	33.000 kW	183M	61.8	34.2	
	Stellar Radio Group, Inc.			BLH-19990323KB			

\* Note : The shortages to KTCY and KYCX-FM are both less than 0.5 km and therefore round to zero.

**AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT**

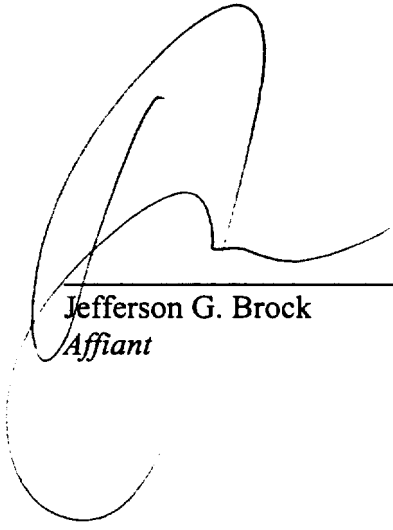
*State of Georgia    )*  
*St. Simons Island    ) ss:*  
*County of Glynn    )*

**JEFFERSON G. BROCK**, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by New World Broadcasters, licensee of Radio Station KTCY, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

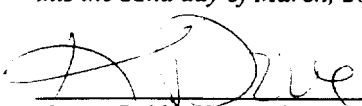
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

*This the 22nd day of March, 2000.*



\_\_\_\_\_  
**Jefferson G. Brock**  
*Affiant*

*Sworn to and subscribed before me  
this the 22nd day of March, 2000.*



\_\_\_\_\_  
*Notary Public, State of Georgia*  
*My Commission Expires: April 20, 2002*